

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ALEX MOORE,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. CIV-17-1167-JD
SCOTT JAY, Sheriff and All Appointees,)	
and Individually; DIANE BILBO, Captain)	
and All Appointees, and Individually;)	
ASHLEY SCHONES, former Nurse of)	
Beckham County Jail, and Individually)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Suzanne Mitchell entered on January 7, 2020 [Doc. No. 70] and the Objection to the Report and Recommendation of Plaintiff Alex Moore (“Mr. Moore”) filed on January 28, 2020 [Doc. No. 71]. Under 28 U.S.C. § 636(b)(1), and based on Mr. Moore’s Objection, this Court has conducted a de novo review of this matter.

The Report and Recommendation addresses the Motion to Dismiss [Doc. No. 61] filed by Defendant Ashley Schones (“Ms. Schones”). The Report and Recommendation thoroughly analyzes the amended complaint and the claims against Ms. Schones under governing legal standards and recommends dismissal of the claims asserted by Mr. Moore against Ms. Schones for failure to state a claim. The Report and Recommendation results in the dismissal of only Defendant Ashley Schones without prejudice and leaves the other defendants in the lawsuit.

In his Objection to the Report and Recommendation, Mr. Moore states he disagrees “on all grounds” because he “did show and raise a claim” against Ms. Schones. [Doc. No. 71 at 1-2]. The Objection concludes, however, that “Plaintiff agrees on this ground only with the Magistrate [Judge] and wish[e]s to dis[]miss Schones from this Complaint” [Doc. No. 71 at 2].

The Objection presents no legal authority to overcome the through and well-reasoned analysis by Judge Mitchell in her Report and Recommendation on the failure of Mr. Moore to state a claim against Ms. Schones under Federal Rules of Civil Procedure 8(a) and 12(b)(6). And ultimately, Mr. Moore concludes in his Objection that he “agrees” to the dismissal of Ms. Schones. Upon de novo review, the Court adopts and agrees with the Report and Recommendation in its entirety. Even with liberal construction of Mr. Moore’s pleadings as a pro se litigant, the Court agrees with the Report and Recommendation that Mr. Moore’s general allegations fail to state a plausible claim against Ms. Schones or provide her fair notice of the basis of the claims against her.

The Court therefore ADOPTS the Report and Recommendation [Doc. No. 70], and the amended complaint [Doc. No. 52] against Ms. Schones is DISMISSED without prejudice.

IT IS SO ORDERED this 18th day of February 2020.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE